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Attorneys for Cross-Defendant MOSEN O'HADI aka  
MOSEN OHADI, dba MALIBU PACIFIC and/or  
MALIBU PACIFIC REAL ESTATE CO and/or  
MALIBU COASTAL INSURANCE SERVICES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

HARTFORD CASUALTY INSURANCE  
COMPANY, an Indiana Corporation,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE  
COMPANY, a California Corporation;  
BURNS & WILCOX INSURANCE  
SERVICES, INC., a California  
Corporation, and DOES 1 to 50,

Defendants.

Case No. 3:15-cv-02592 SI

**DECLARATION OF BRET N.  
BATCHMAN IN SUPPORT OF CROSS-  
DEFENDANT MOSEN O'HADI'S  
MOTION IN LIMINE NOS. 1-5**

Complaint

Filed:

June 10, 2015

Trial:

November 14, 2016

BURNS & WILCOX INSURANCE  
SERVICES, INC., a California  
Corporation,

Cross-Complainant,

v.

MOSEN O'HADI aka MOSEN OHADI,  
dba MALIBU PACIFIC and/or MALIBU  
PACIFIC REAL ESTATE CO and/or  
MALIBU COASTAL INSURANCE  
SERVICES, and ROES 1 – 100, inclusive,

Cross-Defendants.

1 I, Bret N. Batchman, declare as follows:

2 1. I am an attorney at law duly licensed to practice before this Court and all the  
3 Courts of the State of California and am a partner with the law firm, Hansen, Kohls, Sommer &  
4 Jacob, LLP, attorneys of record for Cross-Defendant MOSEN O'HADI ("O'Hadi"). I have  
5 personal knowledge of the facts set forth in this declaration and am competent to testify as a  
6 witness and, if called as a witness, I would so competently testify to the verity of the facts stated  
7 herein, except as to the matters stated on information and belief, and to those matters, I believe  
8 them to be true.

9 2. In August 2008, O'Hadi submitted a Personal Umbrella Application to Defendant  
10 BURNS & WILCOX INSURANCE SERVICES, INC. ("Burns & Wilcox"). **A true and correct**  
11 **copy of the Personal Umbrella Application is attached hereto as Exhibit A.**

12 3. In October 2008, O'Hadi submitted a Homeowner Application to Burns &  
13 Wilcox. **A true and correct copy of the Homeowner Application is attached hereto as**  
14 **Exhibit B.**

15 4. On January 27, 2016, Fireman's Fund Insurance Company ("Fireman's Fund")  
16 answered Hartford's Second Amended Complaint ("SAC") and filed its own Counterclaim for  
17 Rescission based upon, among other things, that the insurance applications prepared and  
18 submitted for the Primary and Excess Policies contained material misrepresentations. (Dkt. No.  
19 61.) **A true and correct copy of Fireman's Fund's Answer to Hartford's SAC and**  
20 **Counterclaim for Rescission is attached hereto as Exhibit C.**

21 5. On March 2, 2016, Hartford filed its Answer to Fireman's Fund's Counterclaim  
22 for Rescission and denied that the insurance applications submitted by O'Hadi during the  
23 procurement of the Primary Policy and Excess Policy contained any misrepresentations. (Dkt.  
24 No. 66.) **A true and correct copy of Hartford's Answer to Fireman's Fund's Counterclaim**  
25 **for Rescission is attached hereto as Exhibit D.**

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1           6.       On May 26, 2016, Hartford filed its Opposition to former defendant Fireman's  
2 Fund Insurance Company's ("Firemans Fund") Motion for Summary Judgment. (Dkt. No. 79.)

3       **A true and correct copy of Hartford's Opposition to Fireman's Fund's Motion for**  
4       **Summary Judgment is attached hereto as Exhibit E.**

5           7.       Additionally, on May 26, 2016, Hartford filed the Declaration of Paul Owhadi in  
6 Support of its Opposition to Fireman's Fund's Motion for Summary Judgment. (Dkt. No. 82.)

7       **A true and correct copy of the Declaration of Paul Owhadi in Support of Hartford's**  
8       **Opposition to Fireman's Fund's Motion for Summary Judgment is attached hereto as**  
9       **Exhibit F.**

10          8.       On July 1, 2016, Hartford filed a Supplemental Opposition to Fireman Fund's  
11 Motion for Summary Judgment. (Dkt. No. 100.)

12       **A true and correct copy of Hartford's**  
13       **Supplemental Opposition to Fireman Fund's Motion for Summary Judgment is attached**  
14       **hereto as Exhibit G.**

15          9.       Additionally, on July 1, 2016, Hartford filed the Declaration of James Robertson  
16 in Support of Hartford's Supplemental Opposition to Fireman's Fund's Motion for Summary  
17 Judgment. (Dkt. No. 101.)

18       **A true and correct copy of the Declaration of James Robertson in**  
19       **Support of Hartford's Supplemental Opposition to Fireman's Fund's Motion for Summary**  
20       **Judgment is attached hereto as Exhibit H.**

21          10.       On July 11, 2016, James Robertson prepared an Expert Report at the request of  
22 Hartford. Mr. Robertson's Professional Resume is attached to his Expert Report.

23       **A true and correct copy of James Robertson's Expert Report, and his Professional Resume, are**  
24       **attached hereto as Exhibit I.**

25          11.       On August 22, 2016, the Court issued its Order granting Fireman Fund's Motion  
26 for Summary Judgment. (Dkt. No. 120.)

27       **A true and correct copy of the Court's Order**  
28       **Granting Fireman's Fund's Motion for Summary Judgment is attached hereto as Exhibit J.**

29          12.       On August 25, 2016, James Robertson prepared a Supplemental Expert Report.

30       **A true and correct copy of James Robertson's Supplemental Expert Report is attached hereto**  
31       **as Exhibit K.**

1           13.     On September 30, 2016, I attended the deposition of James Robertson. **A true**  
2 **and correct copy of excerpts from James Robertson's Deposition are attached hereto as**  
3 **Exhibit L.**

4           14.     On October 7, 2016, Hartford filed its Opposition to Burns & Wilcox's Second  
5 Motion for Summary Judgment. (Dkt. No. 135.) **A true and correct copy of Hartford's**  
6 **Opposition to Burns & Wilcox's Second Motion for Summary Judgment is attached hereto**  
7 **as Exhibit M.**

8           15.     In preparing this case for trial and in obtaining our own expert reports, I relied  
9 upon the statements made by Hartford's attorneys and experts.

10          16.     In reliance upon the opinions of Hartford's experts, I did not ask an expert to  
11 prepare a rebuttal report.

12          17.     On November 19, 2010, Melanie Juarros of Fireman's Fund sent an email to Paul  
13 Owhadi. **A true and correct copy of the email thread between Paul Owhadi and Melanie**  
14 **Juarros, containing this email, is attached hereto as Exhibit N.**

15          18.     On November 22, 2010, Paul Owhadi sent an email to Melanie Juarros of  
16 Fireman's Fund. A true and correct copy of the email thread between Paul Owhadi and Melanie  
17 Juarros, containing this email, is attached hereto as Exhibit N.

18          19.     On November 23, 2010, Melanie Juarros of Fireman's Fund sent an email to Paul  
19 Owhadi. A true and correct copy of the email thread between Paul Owhadi and Melanie Juarros,  
20 containing this email, is attached hereto as Exhibit N.

21          20.     On November 24, 2010, Paul Owhadi sent an email to Melanie Juarros of  
22 Fireman's Fund. A true and correct copy of the email thread between Paul Owhadi and Melanie  
23 Juarros, containing this email, is attached hereto as Exhibit N.

24          21.     On May 30, 2013, the jury in the underlying wrongful death lawsuit found that  
25 Herndon Partners, LLC ("Herndon") was the employer of Francisco Martinez Moreno. **A true**  
26 **and correct copy of the jury's verdict form is attached hereto as Exhibit O.**

27          22.     On July 26, 2016, I attended the deposition of Paul Owhadi. **A true and correct**  
28 **copy of excerpts from Paul Owhadi's Deposition are attached hereto as Exhibit P.**

23. On July 1, 2016, Hartford filed the Declaration of Edward McKinnon in Support of its Supplemental Opposition to Fireman's Fund's Motion for Summary Judgment. (Dkt. No. 102.) In paragraph 16 of his Declaration, Mr. McKinnon references the Claims File note entered in by Melanie Juarros of Fireman's Fund on April 23, 2013. **A true and correct copy of the Declaration of Edward McKinnon in Support of Hartford's Supplemental Opposition to Fireman's Fund's Motion for Summary Judgment is attached hereto as Exhibit Q.**

24. On April 23, 2013, Melanie Juarros of Fireman's Fund entered a note in the Claims File regarding Paul Owhadi. **A true and correct copy of Melanie Juarros' Claims File note on April 23, 2013, is attached hereto as Exhibit R.**

25. On May 18, 2016, I attended the deposition of Mosen O'Hadi. **A true and correct copy of excerpts from Mosen O'Hadi's Deposition are attached hereto as Exhibit S.**

26. On June 6, 2013, Katherine Liner, on behalf of Fireman's Fund, sent a correspondence to Charles Malaret, on behalf of Paul Owhadi. **A true and correct copy of the correspondence from Katherine Liner, on behalf of Fireman's Fund, to Charles Malaret, on behalf of Paul Owhadi, is attached hereto as Exhibit T.**

27. On May 26, 2016, Hartford filed the Declaration of Don Way in Support of its Opposition to Fireman's Fund's Motion for Summary Judgment. (Dkt. No. 81.) **A true and correct copy of the Declaration of Don Way in Support of Hartford's Opposition to Fireman's Fund's Motion for Summary Judgment is attached hereto as Exhibit U.**

28. On July 10, 2016, Don Way prepared an Expert Report at the request of Hartford. **A true and correct copy of Don Way's Expert Report is attached hereto as Exhibit V.**

29. On July 28, 2016, Don Way prepared a Rebuttal Expert Report at the request of Hartford. **A true and correct copy of Don Way's Rebuttal Expert Report is attached hereto as Exhibit W.**

30. On August 9, 2016, Don Way prepared a Supplemental Expert Report at the request of Hartford. **A true and correct copy of Don Way's Supplemental Expert Report is attached hereto as Exhibit X.**

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1           31.     On September 16, 2016, I attended the deposition of Don Way. **A true and**  
2 **correct copy of excerpts from Don Way's Deposition are attached hereto as Exhibit Y.**

3           32.     On July 28, 2016, James Robertson prepared a Rebuttal Expert Report at the  
4 request of Hartford. **A true and correct copy of James Robertson's Rebuttal Expert Report**  
5 **is attached hereto as Exhibit Z.**

6           I declare under penalty of perjury under the laws of the State of California and the United  
7 States of America that the foregoing is true and correct.

8           Executed this 25th day of October 2016, in Roseville, California.

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10 BRET N. BATCHMAN